

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

Tom Aaron Tate

Date of Original Judgment: October 12, 1995

Date of Last Amended Judgment: June 6, 2013

)

) Case No: 0419 3:94CR00147

) USM No: 11313-058

)

) Caleb Newman

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

AND NOW, this 4th day of December, 2015,

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction of sentence pursuant to Amendment 782 to the Sentencing Guidelines, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: _____

Criminal History Category: _____

Original Guideline Range: _____

Amended Offense Level: _____

Criminal History Category: _____

Amended Guideline Range: _____

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☐ Amendment 782 is subject to a Special Instruction at USSG § 1B1.10(e)(1) that reduced sentences shall not take effect until November 1, 2015, or later. Since this defendant's projected GCT release date is, Amendment 782 is not applicable in this case.
- ☐ The Reduced sentence is based upon Amendment ☐ 750 ☐ 782
- ☒ Other (explain): Amendment 782 reduces the United States Sentencing Guidelines by two levels for controlled substances only. Since this defendant was not held accountable for any controlled substance, Amendment 782 is not applicable in this case.

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Office prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Resident Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office.

Except as provided above, all provisions of the judgment dated October 12, 1995, and amended June 6, 2013, shall remain in effect.

IT IS SO ORDERED.

Order Date: December 4, 2015

Effective Date: _____

(if different from order date)

Signed: December 7, 2015



Graham C. Mullen
United States District Judge

